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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,011	08/09/2000	Minoru Murakami	00590/LH	5463

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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER

NGUYEN, TU X

ART UNIT PAPER NUMBER

2618

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/635,011

Applicant(s)

MURAKAMI ET AL.

Examiner

Tu X Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11,13-15,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11,13-15,21-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 11, 13-15 and 21-22, are rejected under 35 U.S.C. 102(e) as being anticipated by Garfinkle (US Patent 6,370,568).

Regarding claim 11, Garfinkle discloses a communication device comprising:

a communication terminal (see col.2 lines 50-55); and

a service center connected to said communication terminal via a radio channel (see col.2 lines 50-55, see fig.2, element 114; 'ISP' is considered "a service center"),

wherein said communication terminal comprises:

mail creation means for creating an electronic mail to be sent to an addressee (see col.1 lines 40-42, fig.2 element 118);

detecting means the current position of the communication device (see col.1 lines 33-40);
and

transmission means for attaching information corresponding to the current position to the electronic mail and transmitting the electronic mail with the information being attached thereto to the service center (see col.1 lines 33-40 and col.2 lines 21-29 and col.2 lines 45-66).

wherein said service center comprises:

storing means for storing regional image information specific to positions of the communication terminal, said regional image information comprising stored images specific to the positions of the communication terminal; reading means for reading from said storing means the regional image information, comprising at least one of the stored images, corresponding to the position information attached to the electronic mail and attaching the regional image information to the electronic mail; and means for transmitting the electronic mail with the regional image information attached thereto to the addressee (see col.2 lines 45-55 and fig.2, elements 100, 114, 118, the ISP is considered inherently included memory to receive email from the sender which the email contains the images of the location and the ISP forward the email to the recipient).

Regarding claim 13, Garfinkle discloses storing means stores at least one of scenic images of areas, logo marks of areas, and advertisement images corresponding to areas (see 212a, 212b, 206 fig.3).

Regarding claim 14, Garfinkle discloses said storing means comprises a read-only memory (see fig.2, the digital camera and the ISP is inherently included a read-only memory for providing processing of send and receive email).

Regarding claims 15, Garkinkle discloses storing means comprises a rewritable memory and means for writing externally supplied information to said rewritable memory (see 3 lines 9-

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50). The examiner interprets "storing data Postcard Template which provide text field and image field input" correspond to "rewritable memory".

Regarding claim 21, Garkinkle discloses the communication terminal further comprises: receiving means for receiving electronic mail with image information attached thereto which is transmitted from another device; and displaying means for displaying the received electronic mail and the received image information with the received image information superimposed on a part of the received electronic mail (see col.3 lines 51-64).


Regarding claim 22, Garkinkle discloses 22 the image information comprises one of a scene image and a logo mark (see fig.3).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


10/10/06